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amongst themselves cannot be said to be a convenient way for all concerned to attain the end aimed at, and is multifarious and should be dismissed on demurrer.

TUCKER'S ADM'R V. NORFOLK & WESTERN RAILROAD CO.—Decided at Richmond, February 6, 1896.—*Harrison, J.*:

1. **RAILROADS**—*Personal injury—Contributory negligence—Proximate cause—Notice—Belief—Care.* In an action against a railroad company for personal injury the plaintiff should recover, notwithstanding his contributory negligence if the injury of which he complains was proximately caused by the omission of the defendant, after such notice of the plaintiff's danger as would put a prudent man on his guard to use ordinary care to avoid the injury. It is not necessary that the defendant should actually know of the plaintiff's danger. It is enough if he have such notice or belief as would put a prudent man on his guard to avoid the injury, and fails to use such care as a prudent man would use under like circumstances.

2. **RAILROADS**—*Trespasser—Foresight—Protection—Notice—Object near track—Duty of company.* A railroad company does not owe the duty of foresight to a trespasser on its track. The duty of protection only arises when it has sufficient notice or reason to believe that he is in danger. The fact that the track is straight for a considerable distance and the line of vision unobstructed, and that an object which is believed to be inanimate is seen lying near the track, does not impose upon the company the necessity of stopping or reducing the speed of its train before reaching the object, in order to ascertain whether it be an animate or inanimate object. If, in the exercise of due care and keeping a constant lookout, the object is not ascertained to be a human being until too late to avert contact with it, the company is not liable for the consequences of such contact.

RICHMOND GRANITE CO. V. BAILEY.—Decided at Richmond, February 6, 1896.—*Keith, P.*:

1. **PERSONAL INJURIES**—*Vice Principal—Fellow-servant—Negligence.* The foreman in charge of a stone quarry, which is being operated by a company, who has general superintendence over the workmen, and makes rules for their guidance and abrogates them at his pleasure; who divides the workmen into squads and appoints foremen for the squads, and who is the highest officer in rank of the company at the quarry, is not a fellow-servant with one of the workmen in the quarry, but occupies to him the relation of vice principal, and the company is liable for injuries inflicted through his negligence. In the case at bar the injury was inflicted through the negligence of such foreman.

2. **MASTER AND SERVANT**—*Safe place to work—Suitable machinery—Rules and regulations.* It is the duty of the master to furnish his employees a safe place in which to do the work assigned to them; to furnish suitable materials and machinery; to establish and promulgate rules which will give them reasonable protection from injury; and to guard them against such accidents and casualties as may be reasonably foreseen. In the case at bar, these duties were either neglected by the company, which would be negligence; or they were entrusted to the fore-